

AO 247 (06/09) Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582 (c) (2)

UNITED STATES DISTRICT COURT

for the

DISTRICT OF NEBRASKA

United States of America)

v.)

JUSTIN NICHOLS)

Case No: 4:09cr3108-00USM No: 23049-04Date of Previous Judgment: 02/10/2011

(Use Date of Last Amended Judgment if Applicable)

David Stickman, Federal Public Defender

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 39 months is reduced to 25 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 27Amended Offense Level: 23Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 70 to 87 monthsAmended Guideline Range: 46 to 57 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

The order terminates filings 95 and 96.

Except as provided above, all provisions of the judgment dated 02/10/2011 shall remain in effect.

IT IS SO ORDERED.

Order Date: 10/27/2011

s/Richard G. Kopf

Judge's signature

Effective Date: 11/01/2011

(if different from order date)

Richard G. Kopf, U.S. District Judge

Printed name and title